

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION**

GARRY JOHNSON

V.

**F. WILLIAM WEBER
and WEBCO INDUSTRIES, INC.**

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NO. 1:06-CV-23

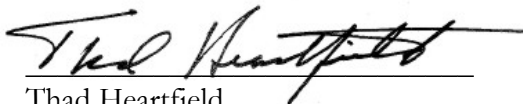
**ORDER ADOPTING
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

The court referred this matter to the Honorable Earl S. Hines, United States magistrate judge, for pretrial proceedings pursuant to a Referral Order filed on January 13, 2006. The court has received and considered the report of the United States magistrate judge, who recommends that the court grant defendants' motion to dismiss without prejudice, and deny as moot defendants' alternative motion to dismiss for failure to state a claim.

The magistrate judge's report is hereby **ADOPTED**. The purpose of the referral having been served, it is further

ORDERED that the reference to the magistrate judge is **VACATED**.

SIGNED this the **14** day of **December, 2006**.



Thad Heartfield
United States District Judge